

The Daily Appeal.

Sunday Morning : : : : January 13th

JUDGE SAWYER'S DECISION A FINALITY—NO LOOP-HOLES.

The *Chronicle* thinks that the Sawyer decision is causing too much despondency in the hydraulic mining region, and that if the mines are as rich as represented their owners will be able to take care of their tailings. The *Alta* also takes a similar view and remarks: "A way to extract the gold without throwing the dross upon the farmers must and will be found. It is now time for the Federal Government to lend its aid." Both these commercial journals admit that Judge Sawyer's decision is based on sound law, but they encourage efforts to overcome impossibilities by insisting that hydraulic mining will be continued through the erection of dams that may be so made as to effectively restrain the debris. "Some means of impounding the detritus," says the *Chronicle*, can certainly be devised by those companies having rich mines, and those mines the owners of which cannot stand the expense that would be incurred in keeping their debris from entering and choking up the rivers, we think, are hardly worth operating. At any rate, they should not be worked if to do so it is neces-

operating. At any rate, they should not be worked if to do so it is necessary to permanently injure valuable farming lands." Here is an effort towards a distinction—that the fittest survives. But the *Chronicle* is well advised that no hydraulic mine, rich or poor, can be profitably operated without using the river channels for a dump, and that hydraulic miners must cease their present mode, fall back to drifting, or abandon their mines altogether. The richest veins and leads of the ancient river channels can be worked by drifting without causing serious damage to navigation or agricultural lands. Both Judge Sawyer and Judge Dady very explicitly define the impracticability of dams as restraining expedients. Besides both these able Judges find that there is no authority for the obstruction of navigable streams. Judge Sawyer also says the impounding of debris by dams gives no guarantee that they will resist future pressure. Judge Dady also says dams subject residents below the restraining works to constant peril. To sum up the matter it may be stated as a finality that no means has been devised by which hydraulic mining may be continued than by the use of restraining dams, and that it has been judicially determined that the navigation of our rivers cannot be maintained and our agricultural lands be preserved under any dam restrain-